

Weekly Digest

• September 19, 2023 •

Human Resources

Labor Department Proposes Increasing Salary Threshold for Overtime Pay

"On Aug. 30, 2023, the WHD of the DOL released a NPRM that proposes to revise the "white collar" overtime exemption regulations applicable to executive, administrative, and professional employees. Most notably, the highly anticipated proposal seeks to raise the salary threshold under which employees are eligible for overtime pay under federal labor law to \$1,059 per week (\$55,068 annualized)." [Full Article](#)

Greenberg Traurig LLP

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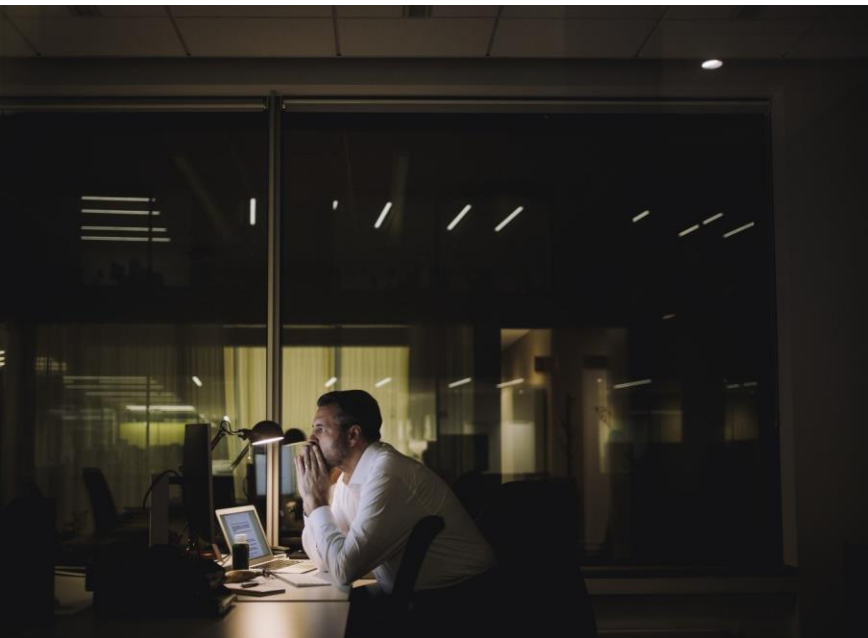
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The EEOC's Strategic Plan Provides Insight Into its Priorities, Including Systemic Discrimination

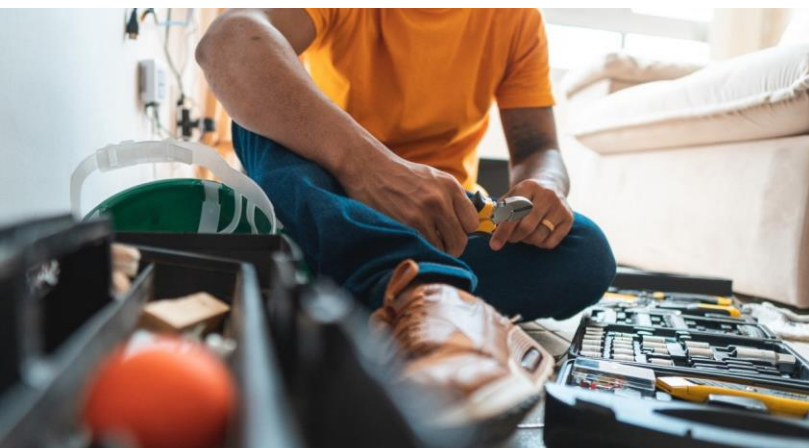
"The Equal Employment Opportunity Commission has released its Strategic Plan for Fiscal Years 2022-2026, effective immediately. This document provides employers with an overview of the EEOC's particular areas of focus." [Full Article](#)

Shawe Rosenthal

DOL’s Conflicting Versions of Independent Contractor Standard Under FLSA

“In January 2021, the U.S. Department of Labor (DOL) under the Trump administration issued a final rule defining the standard for when a worker is an independent contractor for the purposes of the Fair Labor Standards Act (FLSA). This standard remains in effect, although the DOL under the Biden administration issued a new proposed rule redefining the standard in October 2022.” [Full Article](#)

Hall Benefits Law, LLC



Pajamas, Pennies and Time Rounding

“Submitted for your consideration are two court decisions, decided less than a year apart, and involving the same practice of rounding time entries up or down to the nearest quarter hour. The legal principles applicable to both decisions were identical, but their outcomes (so far) were very different.” [Full Article](#)

Constangy Brooks

State Pay Transparency Laws: What’s Required Now and What’s Next?

“As the summer winds down, multistate employers must remain apprised of an ever-increasing number of obligations in the area of pay transparency ... We highlight recent developments to existing pay transparency laws, summarize new pay transparency laws enacted over the summer and offer compliance tips for multistate employers grappling with this growing nationwide trend.” [Full Article](#)

Cooley LLP



Expanding Existing Bereavement Leave Policies to Account for Fertility Related Losses

“Bereavement leave policies generally aim to provide employees with paid leave following the death of a family member. These policies, however, often fail to acknowledge the grief that employees experience upon a fertility related loss, such as a miscarriage. Fertility related losses are very common (with more than 1 in 4 pregnancies resulting in miscarriage) and frequently result in post-traumatic stress disorder (with almost 1 in 3 women developing PTSD after a miscarriage), and yet they remain largely unaddressed in the workplace.” [Full Article](#)

*Mintz, Levin Cohn Ferris
Glovsky and Popeo P.C.*

STATE COMPLIANCE UPDATES

TEXAS



Employee E-Signatures in Arbitration Agreements Under Scrutiny

“Regardless of the ultimate outcome of the AutoNation case, one thing is clear—employers should have e-signature systems that leave little room for doubt about the efficacy of the security procedures, and the resulting authenticity of an employee’s e-signature.” [Full Article](#)

Hunton Andrews Kurth LLP

NEW YORK



New York Enacts Laws on Captive Audience Meetings, Wage Theft, and Gender Identity

“During a busy term at the New York Legislature, Governor Kathy Hochul signed legislation prohibiting captive audience meetings, categorizing wage theft as larceny, and expanding protection of “gender identity or expression” to interns.” [Full Article](#)

Jackson Lewis P.C.

CALIFORNIA



New California Non-Compete Law Furthers the State’s Employee Mobility Protections and Seeks to Void Out of State Employee Non-Compete Agreements

“On September 1, 2023, California Governor Gavin Newsom signed legislation that furthers the state’s protections for employee mobility and seeks to void out of state employee non-competes. Specifically, the new law provides that any contract that is void under California law is unenforceable regardless of where and when the employee signed the contract.” [Full Article](#)

Seyfarth Shaw LLP

WISCONSIN



Worker’s Compensation in the Work-from-Home Era

“At the onset of the COVID-19 pandemic in 2020, many employees around Wisconsin transitioned from a traditional office setting to working remotely from home. Since then, new questions have been raised by workers regarding which at-home injuries might be covered under the Worker’s Compensation Act.” [Full Article](#)

State Bar of Wisconsin

NEW HAMPSHIRE



New Hampshire Adopts Workplace Accommodations for Nursing Mothers

“New Hampshire will guarantee the right of nursing mothers to an unpaid break of 30 minutes to pump for every three hours of work beginning July 1, 2025. This new state law comes in the wake of the 2022 federal PUMP Act, which requires employers nationwide to provide employees with reasonable break time to express breast milk for one year after a child’s birth.” [Full Article](#)

Jackson Lewis P.C.